

**CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF RICHMOND**

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

FELONY

1. CHRISTINE OAKES (F 40)
2. DAVID ZARITSKY (M 44)
3. JOYCE SILVESTRI (F 63)

-defendant(s)-

STATE OF NEW YORK)
) ss.:
COUNTY OF RICHMOND)

Det. Steven Greco, shield # 5971 of the RCDA Det. Sqd., deposes and says as follows

On, or about and between, 09-12-2011 and 09-12-2011 at locations specified below, in Staten Island New York in the County of Richmond and State of New York, the defendant committed the offenses of:

1. P.L. 220.16(12) Criminal Possession of a Controlled Substance 3rd degree
(defendant #1, 6 count(s))
(defendant #2, 1 count(s))
(defendant #3, 1 count(s))
2. P.L. 220.09(1) Criminal Possession of a Controlled Substance 4th degree
(defendant #1, 5 count(s))
(defendant #2, 2 count(s))
3. P.L. 170.25 Criminal Possession of a Forged Instrument 2nd degree
(defendant #1, 2 count(s))
(defendant #2, 4 count(s))
(defendant #3, 2 count(s))
4. P.L. 220.03 Criminal possession of a controlled substance in the seventh degree
(defendant #1, 7 count(s))
(defendant #2, 1 count(s))
(defendant #3, 1 count(s))
5. P.L. 105.10(1) Conspiracy 4th degree
(defendant #1, 1 count(s))
(defendant #2, 1 count(s))
(defendant #3, 1 count(s))
6. P.H.L. 3397(4) Fraud and Deceit

- (defendant #1, 2 count(s))
7. P.H.L. 3397(1)(a)(i) Fraud and Deceit
(defendant #1, 1 count(s))

8. P.H.L. 3397(b) Fraud and Deceit
(defendant #2, 4 count(s))

in that the defendant(s) did: with intent that conduct constituting a class B or class C felony be performed, agree with one or more persons to engage in or cause the performance of such conduct; with intent to defraud, deceive or injure another, falsely make, complete or alter a written instrument which was or purported to be, or which was calculated to become or represent if completed, a prescription of a duly licensed physician or other person authorized to issue the same for any drug, instrument or device used in the taking or administering of drugs for which a prescription is required by law; with the knowledge that it was forged and with intent to defraud, deceive or injure another, utter or possess a forged instrument of a kind specified in P.L. 170.10; knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more.; knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more.; knowingly and unlawfully possesses a controlled substance; no person shall obtain or attempt to obtain a controlled substance, a prescription for a controlled substance or an official New York State prescription form by fraud, deceit, misrepresentation or subterfuge; no person shall obtain a controlled substance, or a prescription for a controlled substance by one practitioner without disclosing the fact, that he is supplied during such treatment with a controlled substance or a prescription therefor by another practitioner; and No person shall wilfully make a false statement in any prescription, order, application, report or record required by the Public Health Law.

The offenses were committed under the following circumstances:

Deponent states that based upon a review of prescription records, pharmacy records, medical records, and information provided by medical practitioners and pharmacists known to the District Attorney's Office, that on or about and between September 12, 2011 and February 29, 2012, the defendants acted together and in concert as follows:

- 1 CT. PHL 3397-4 (OAKES)

On or about September 12, 2011; October 3, 2011; October 24, 2011; October 31, 2011; and January 5, 2012 defendant Christine Oakes was supplied with a

prescription for oxycodone by a practitioner from Alpha Neurology, located at 27 New Dorp Lane, Staten Island, NY, without disclosing the fact, that she was supplied during such treatment with a prescription for a controlled substances by another practitioner.

- 5 CTs. PL 220.03 (OAKES)

On or about September 12, 2011; October 3, 2011; October 24, 2011; October 31, 2011; and January 5, 2012 defendant Christine Oakes was supplied with a quantity of oxycodone from

pharmacies located in Staten Island, NY, having presented such pharmacists with the above described prescriptions.

- 1 CT. PHL 3397-4 (OAKES)

On or about September 14, 2011; October 11, 2011; November 3, 2011; November 27, 2011; December 24, 2011; and January 22, 2012 defendant Christine Oakes was supplied with a prescription for oxycodone and/or alprazolam by a practitioner from Internal Medicine Associates, located at 2260 Victory Boulevard, Staten Island, NY, without disclosing the fact, that she was supplied during such treatment with a prescription for a controlled substances by another practitioner.

- 6 CTs. 220.16-12 (OAKES)
- 2 CTs. 220.03 (OAKES)

On or about September 14, 2011; October 11, 2011; November 3, 2011; November 29, 2011; December 25, 2011; and January 22, 2012 defendant Christine Oakes was supplied with a quantity of oxycodone in excess of ½ ounce on each occasion from pharmacies located in Staten Island, NY, having presented such pharmacists with the above described prescriptions. Deponent further states that on or about December 25, 2011 and January 22, 2012 defendant Christine Oakes was supplied with a quantity of alprazolam from pharmacies located in Staten Island, NY, having presented such pharmacists with the above described prescriptions.

- 1 CT. PHL 3397-1(a)[i] (OAKES)

On or about November 12, 2011; December 7, 2011; and January 16, 2012 defendant Christine Oakes was supplied with a prescription for oxycodone by a practitioner from Targee Street Internal Medicine Group, located at 11 Ralph Place, Staten Island, NY, by fraud, deceit, misrepresentation or subterfuge, in that defendant Oakes informed such practitioners that she could not obtain a prescription from her regular physician's group.

- 3 CTs. 220.09-1 (OAKES)

On or about November 12, 2011; December 7, 2011; and January 16, 2012 defendant Christine Oakes was supplied with a quantity of oxycodone in excess of 1/8th ounce on each occasion from pharmacies located in Staten Island, NY, having presented such pharmacists with the above described prescriptions.

- 2 CT. PL 170.10-5 (ZARITSKY)
- 2 CT. 170.25 (ZARITSKY & OAKES)
- 2 CTs. 220.09-1 (ZARITSKY & OAKES)
- 2 CT. PHL 3397-b (ZARITSKY)

On or about January 10, 2012 and February 1, 2012, defendant Christine Oakes was supplied with a forged prescription for oxycodone in the name of practitioner Dr. Hsien Liu, located at 11 Ralph Place, Staten Island, NY. Deponent further states that he is informed by Dr. Liu that David

Zaritsky is the office manager for Dr. Liu and has access to Dr. Liu's prescription pad; and that Dr. Liu is familiar with defendant Zaritsky's handwriting and recognizes the above-described prescriptions to be written by defendant Zaritsky; and that Dr. Liu did not give defendant Zaritsky permission or authority to write such prescriptions. Deponent further states that defendants Oakes and Zaritsky acted together and in concert to possess oxycodone, in that defendant Oakes filled such prescriptions and was dispensed quantities of oxycodone in excess of 1/8th ounce on or about January 10, 2012 and February 1, 2012.

- 1 CT. PL 170.10-5 (ZARITSKY)
- 1 CT. PL 170.25 (ZARITSKY & SILVESTRI)
- 1 CT. 220.03 (ZARITSKY & SILVESTRI)
- 1 CT. PHL 3397-b (ZARITSKY)

Deponent further states that defendants Zaritsky and Joyce Silvestri acted together and in concert in that on or about January 31, 2012 defendant Silvestri obtained a quantity of oxycodone from a pharmacy located in Staten Island, NY, having supplied such pharmacist with a forged prescription in the name of Dr. Hsien Liu. Deponent further states that he is informed by Dr. Liu that such prescription is forged by David Zaritsky as described above.

- 1 CT. PL 170.10-5 (ZARITSKY)
- 1 CT. PL 170.25 (ZARITSKY & SILVESTRI)
- 1 CT. 220.16-12 (ZARITSKY & SILVESTRI)
- 1 CT. PHL 3397-b (ZARITSKY)

Deponent further states that defendants Zaritsky and Joyce Silvestri acted together and in concert in that on or about February 29, 2012 defendant Silvestri obtained a quantity of oxycodone in excess of ½ ounce from a pharmacy located in Staten Island, NY, having supplied such pharmacist with a forged prescription in the name of Dr. Hsien Liu. Deponent further states that he is informed by Dr. Liu that such prescription is forged by David Zaritsky as described above.

- 1 CT. PL 105.10 (ZARITSKY, OAKES, SILVESTRI)

Deponent further states that defendants Oakes, Zaritsky and Silvestri conspired with one another to perform Criminal Possession of a Controlled Substance in the Fourth Degree, a class "C" felony, in that David Zaritsky did forge prescriptions in the names of patients Oakes and Silvestri, and defendants Oakes and Silvestri did then fill such prescriptions and obtain oxycodone weighing in excess of 1/8th ounce and ½ ounce.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.

Sworn to before me on June 4, 2012

Deponent